

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair, Joan Duff, members Vincent Chiozzi, Jay Doherty, Eric Macaux, Lelani Loder, and associate member Zach Bergeron; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Town Planner.

Warrant Articles 2013 Town Meeting:

Ms. Duff opened the public hearing for the proposed Preliminary Warrant Article # P-42 to see if the Town will vote to amend the Zoning Bylaw Section 5.2 Signs. Craig Gibson, Chair of the Design Review Board, addressed the Board on what he called a minor change to Section 5.2.3.1.f. pertaining to awning valance signage. The bylaw is written as 3 inches of lettering exempt, 3 - 4 ½ inches permitted, but considered an attached sign, and valance signage greater than 4 ½ inches allowed only by Special Permit from the Zoning Board. The DRB's opinion is that the current bylaw is too restrictive. They are proposing to increase the exempt signage height to 6 inches as long as the signage does not exceed 75% of the height of the valance. They are also proposing to eliminate the 4 ½ inch limitation, which would allow awning valance signage to be greater than 6 inches in height, and it would count as an attached sign. Mr. Gibson showed the Board signs from different businesses in town to give them a perspective of the lettering height. Mr. Duff questioned the average size of a valance. Mr. Gibson answered that they vary but they are usually about 1 foot in height. Eric Daum of the DRB explained that with the provision of the proposed bylaw stating that exempt lettering is 6 inches and it cannot take up more than 75% of the awning that would set the minimum size of a valance at 8 inches in height. Mr. Chiozzi questioned if the lettering taking up 75% of the awning will look correct proportionately. Ms. Byerley suggested that he look at the sign for Irresistibles that Mr. Gibson provided to get a prospective on the size. Mr. Macaux clarified that this bylaw sets a minimum height of the valance, not the maximum height.

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board voted to close the public hearing for Warrant Article P-42 Amendment to the Zoning Bylaw Section 5.2 Valances of Awnings. **Vote:** Unanimous (5-0).

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board voted to recommend approval of the Warrant Article P-42 Amendment to the Zoning Bylaw Section 5.2 Valances of Awnings as written in the warrant. **Vote:** Unanimous (5-0).

Ms. Duff opened the public hearing for the proposed Preliminary Warrant Article # P-44 to see if the Town will vote to amend the Zoning Bylaw Section 10, Definitions, by modifying the definitions of Retail Sales Establishment and Restaurant, Fast Food. Ms. Byerley informed the Board that this warrant article is being sponsored by the Planning Board. The definition of Retail Sales Establishment will be amended to insert after "A facility selling goods" the words "which can include the sale of food and drink for consumption on or off the premises." The definition of Restaurant, Fast Food would be amended to strike out "food and drink" and insert its place "a complete meal to be sold in whole or in pieces." She stated that the purpose of this amendment is to allow establishments such as bakeries and cheese shops to open as retail establishments in areas that are zoned for retail only. Currently these establishments fall under Restaurant, Fast Food and need to obtain a Special Permit to open in the downtown, a process which can take up to three months. This amendment will also more clearly define a fast food restaurant. Mr. Doherty stated that it would be nice to streamline the process to get these

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businesses up and running. Sheila Doherty, 9 Juniper Road asked if there are any provisions in the bylaw for the cupcake truck. Ms. Byerley answered that there is nothing in the zoning bylaw, but they do have to go through the Board of Health. She believes the Town may look into a mobile food regulation.

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board voted to close the public hearing for Warrant Article P-44 Amendment to the Zoning Bylaw Section 10 Definitions by amending the definition of Retail Sales Establishment and Restaurant, Fast Food. **Vote:** Unanimous (5-0).

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board voted to recommend approval of the Warrant Article P-44 Amendment to the Zoning Bylaw Section 10 Definitions by amending the definition of Retail Sales Establishment and Restaurant, Fast Food as written in the warrant. **Vote:** Unanimous (5-0).

Ms. Duff opened the public hearing for the proposed Preliminary Warrant Article # P-61 to see if the Town will vote to amend the Zoning Bylaw Section 8.1.2 Watershed Protection Overlay District Establishment by amending the reference to the plan. Ms. Byerley explained that the Town currently has a Watershed Protection Overlay District on the Zoning Map and stated that the boundaries of the overlay district are not changing. The reference to the plan within the bylaw itself is being updated to clarify the one map to reference. The current bylaw references a map from 1985 and also references an area on River Road that was previously taken out of the Watershed Protection Overlay by Town Meeting vote. This also clearly defines the two areas of Priority Zone 1 and Priority Zone 2 that are referenced within the bylaw. Mr. Doherty requested to see a larger map than what was provided before any decision was made.

On a motion by Mr. Macaux, seconded by Ms. Loder, the Board voted to continue the public hearing on Warrant Article P-61 to Tuesday, March 12, 2013 at 7:30PM. **Vote:** Unanimous (5-0).

800 Federal Street:

Ms. Duff opened the public hearing on an application by Schneider Electric for a modification of a Major Non-Residential Special Permit to expand the building at 800 Federal Street from 237,974 gsf to 240,884 gsf. Susan Mohn of John G. Crowe Associates, representing the applicant informed the Board that in July of 2012 the Board approved a Special Permit for a Major Non-Residential Project for a 77,914 s.f. addition to the 800 Federal Street building and expanded parking associated with it. In planning for the use of the building with the new tenant, Schneider Electric, it became apparent that more space is needed, specifically space for a one story laboratory to monitor data modules. The area to which the 2,910 s.f. addition would be added to is an existing loading dock area. The applicant would also add on some utilities including two transformers, a generator, and an Ecobreeze unit. The applicant is aware that in order to make these additions, an existing water line will have to be moved and two fire hydrants would have to be relocated. There will also be minor modifications to four landscape parking islands to facilitate truck movements, as well as the addition of a kitchen waste dumpster and a cardboard recycling dumpster. Some parking spaces will have to be struck out to accommodate truck

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movements in the loading area, but the existing parking will still exceeds the requirements. Ms. Loder asked if the Ecobreeze would service the addition. Sandy Smith of Perkins and Will, the architect on the project answered that the Ecobreeze would cool the server rooms in the building. Matt Volpe of Schneider Electric explained that the Ecobreeze provides cooling for the data center; it has nothing to do with the building addition.

Ms. Byerley updated the Board on the Interdepartmental Review. The DPW had comments on the placement of the water line, but are otherwise satisfied with the revisions to the plan. The width and size of the Ecobreeze was questioned due to the 8 ft fence that is proposed to go around it. Ms. Byerley has been informed that the Ecobreeze dimensions are it 8ft wide 20 ft in length and 20.5 feet high. The proposed fencing is solely for security, not a sound or other type of barrier. The Inspector of Buildings has confirmed that there are no enclosure regulations for generators or the Ecobreeze. The plan has changed due to comments from the Conservation Commission, so the new plans need to be reviewed by the departments. Ms. Byerley did note that there have been questions about what noise may be generated from the generator and the EcoBreeze. Ms. Mohn stated that Massachusetts regulations call for noise levels at night time to not exceed more than 10 decibels over the existing noise levels along the property line. The Ecobreeze, generator, load bank and any other noise generating equipment combined cannot exceed 10 decibels. Ms. Duff asked what the load bank was and Ms. Smith explained that it is similar to a transformer, and it will be located on the roof of the addition. Mr. Doherty asked if the Ecobreeze would always be on. Ms. Smith answered that the Ecobreeze is a cooling unit that turns on based on temperature, so it would mostly be on mostly during the summer. Ms. Byerley mentioned that there have been questions on what the lab will be used for. It was clarified with Ms. Mohn that the use will be to test modules that come in. She also noted that at the IDR the Fire Department wanted to confirm the emergency access onto Chandler Road. The Board of Selectmen recently voted to allow the emergency access to be placed on Town property. The applicant will now have to work with Lt. Pomerleau on the exact placement and what improvements need to be done to that roadway. Ms. Byerley confirmed that the number of parking spaces exceeds the requirements, the dumpsters are properly enclosed and accessible per the Health Department and no additional traffic will be generated from this addition. Mr. Macaux questioned if the Fire Department has reviewed the revised traffic pattern. Ms. Byerley answered that it is part of the plans submitted today that each department still has to review. Ms. Duff asked if the generator was for emergency purposes. Ms. Smith answered that it is an emergency generator that is exercised once a week for five or ten minutes during the day. It is the backup for the Ecobreeze as well as any computer equipment that may go down. Ms. Duff then asked if the transformers would always be running and Ms. Smith said that they would. Mr. Doherty asked why the Ecobreeze is needed now and was not part of the original Special Permit. Ms. Smith answered that the Ecobreeze was a tenant requirement, and they were unaware that the tenant would need this piece of equipment when the original Special Permit was granted. Mr. Doherty then asked if the building at 600 Federal Street would also need this equipment and he was told that it would not.

The Board requested information on zoning requirements for loading areas as well as the State noise regulations that were referenced tonight. Ms. Mohn pointed out the residential areas on the plan at the request of Mr. Doherty. She assured the Board that there is proper screening for the

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residents against headlights from a stockade fence, evergreen plantings and a existing stump dump mound. This modification also proposes additional pine plantings. Ms. Byerley asked what the delivery times would be. Ms. Smith answered that deliveries would only take place a few times a year and Mr. Volpe assured that any deliveries would take place between 7AM and 6PM.

On a motion by Mr. Macaux, seconded by Mr. Doherty, the Board voted to continue the public hearing on an application by Schneider Electric for a modification of a major non-residential special permit to expand the building at 800 Federal Street from 237, 974 gsf to 240,884 gsf to Wednesday, March 27, 2013 at 8:15PM at the Public Safety Center. **Vote:** Unanimous (5-0).

St. Augustine's School:

Ms. Duff opened the public meeting for review of the site plan for St. Augustine's School on a proposal for the construction of a 6,915 s.f. gymnasium. Ms. Duff explained the Dover use Site Plan Review process for the audience. She asked that anyone who chose to speak to give their name and address and that they would become part of the published minutes.

Fr. Peter Gori, Pastor of St. Augustine's Parish addressed the Board on the history and size of the school. He explained that for the past forty years the school has rented a gymnasium from the Knights of Columbus on Brook Street. The students have to cross busy streets in the middle of the day to get to the gymnasium. This proposed gymnasium would eliminate that danger by being situated on the school campus. David Giangrande of Civil Design Consultants, the engineer for the project described the school property. The property is approximately 110,000 s.f. and is made up of three parcels: the School parcel, the former convent parcel and a newly purchased parcel that currently has a home on it. The property is accessed by St. Augustine's Drive, a 30 ft right of way with 24 ft of pavement that connects the teacher's parking area to School Street. The gymnasium will be located outside of the 100 ft buffer of the closest wetland. There will be a parking cul-de-sac added to the plan in the teacher parking area per the request of the Public Safety Officials with an 18 ft safety lane on the west side of the building that will continue through to Chestnut Street. On the east side of the building there will be 10 ft wide sidewalk and overflow parking. The plan calls for 51 parking spaces onsite, which is less than the zoning by law requirement of 91 spaces. The remainder of the spaces could be provided onsite by paving a grassy field, but the school would rather explore other opportunities in the area for parking. In close proximity to the school are a municipal lot, the parish lot, and 46 spaces on surrounding streets. The addition of this gymnasium will not cause an increase in teachers, classrooms or traffic during the week. It may be used on weekends for basketball games. There is an existing water line that can service the gym that comes in from School Street. Runoff is collected through catch basins and pipes and delivered out through St. Augustine's Drive. The DPW has requested a review of the current drainage system, so the lines will be videoed. The razing of the convent decreased runoff by 2-3% and runoff will also be managed by infiltration chambers and the reduction of impervious area by landscaping. In the preliminary work, some buried manholes were uncovered as well as a buried sewer line from the convent that needs to be videoed to determine if it can be used. There was a previous 21E issue stemming from contamination from the House of Clean, but the Consultant has stated that quarterly monitoring over the past five years as well as a Risk Assessment has yielded 0% contamination

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and no preclusions of use. Currently, all contamination is at least 50 ft away from the infiltration system.

George Nammour of MacLaren Associates, LLC, the architect of the project, described the design of the building. The minimum recommended standards for a middle school gymnasium are being used in the design of the building. The building will include the gymnasium, bathrooms and office area with the main entrance oriented to the school. The building will be of varying heights, two stories high over the 24x72 ft gym to meet the minimum recommended height of 20 ft, and one story high over the office space and the bathrooms on either side of the gym. In the area over the bathrooms, the roof will house an HVAC unit that will service the entire building. The building will have a maximum occupancy of 365. Mr. Nammour also reviewed the landscaping plan as well as the exterior lighting plan.

Ms. Byerley informed the Board that the applicant has requested a waiver to the \$0.15/per gross square foot requirement for a site plan review the total of which would be \$1,037.00, which the Board has granted in the past to other educational facilities. She also informed the Board that the plan shown tonight is not the plan that the Board has, and the individual departments have not yet received the updated plans to review. Ms. Byerley reviewed the comments that were received from the individual departments at the IDR. A drop-off and turnaround area has been requested to be shown on the plan. Traffic information needs to be submitted as well as the width of the existing opening on School Street to make sure that Police and Fire will be able to properly access the area. The plan must show if the handicapped parking and the building entrance are ADA accessible. The Fire Department needs to review the emergency gate that will lead on to Chestnut Street. The DPW has additional questions on the sewer and the drainage and has requested a videoing of the lines. The DPW cannot recommend whether the drainage should be peer reviewed until they get the information from the video. There is an existing drain and sewer connection in the right of way that needs to be examined and possibly disconnected. The departments were all in agreement that the grassy field should not be paved for parking. It is suggested that if there are complaints about parking, then this issue should go back to the Planning Board for review. She also confirmed that this project does not have to go before the Conservation Commission unless it is decided to pave the field for parking. Ms. Byerley requested revised plans that show more of the information that was presented tonight.

Mr. Giangrande informed the Board that most of the comments from the IDR have been resolved. One item that needs to be discussed is the sewer service from an abutting property that goes through a drain manhole. The runoff from the school property has been reduced to that manhole, so there was no intention to do additional work on it. He feels that any issue relating to that sewer service is outside the scope of this project. Ms. Duff asked if DPW had looked at the sewer line and Ms. Byerley answered that they have and they have requested that it be reviewed. Mr. Chiozzi asked if the flows mixed. Mr. Giangrande answered that at one time there was an illicit connection, but that issue has been fixed. Ms. Byerley asked if this was the drain that they were going to be videoing. Mr. Giangrande answered that they will be videoing the drain that goes out to Chestnut Street. Ms. Byerley informed him that both the DPW and the Board of Health had concerns about the right of way drain, so a conversation may need to take place so that everyone is on the same page. Mr. Doherty asked for clarification on what sewer line will

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be used. Mr. Giangrande answered that they will be using a sanitary sewer line that served the old convent and goes out to Central Street through an easement. Mr. Doherty asked if there was any intention of opening the sewer line in St. Augustine's Drive and Mr. Giangrande answered that there was not. Ms. Loder asked for clarification on what the private way will be used for and where the children's drop-off is located. Mr. Giangrande stated that the current use will not change, it is not a through way, it is for safety vehicles and parking for the school staff. It will not be used as a drop-off for the school. Mr. Macaux questioned if it would be used as a drop-off for activities on the weekends. Mr. Giangrande stated that for activities on the weekends, most people would probably pull in and park and there would be only a small amount of drop-offs. Mr. Bergeron asked if all of the games were anticipated to take place on the weekends and what the expected attendance would be. Mr. Giangrande answered that based on the number of players on a basketball team which is twelve, and the spacing of the games, with a max of two games overlapping; it would be about 48 children with one vehicle per child. Fr. Gori added that he anticipates the area that is being referred to as a "turnaround" would only be used for public safety vehicles to turnaround. The more likely future use of it on a daily basis is as a morning assembly area for the children. Mr. Chiozzi asked if the gymnasium would have a stage, if it would be sprinkled and if it would be air conditioned. Mr. Nammour answered that it would not have a stage, and based on its size it does not require sprinklers. The building will have an HVAC unit on the roof, but it has not been decided if the air conditioning will be used.

Mr. Bergeron asked what the days and times of usage of the building would be outside of the school day hours. Michael O'Dea, Director of Facilities noted that the primary use of the building outside of the school gym classes will be for St. Augustine's participation in the Merrimack Valley Catholic Basketball League. The league runs for twelve weeks a year with practices and games after school and on Fridays and Saturdays. They currently rent the Andover Field house on Monday night for practices. He plans to stagger the games with a half hour in between to address any parking issues. Ms. Byerley noted that with the municipal lot right next to the property, the amount of available parking is more than sufficient. Mr. Chiozzi asked if they considered attaching the gymnasium to the school. Mr. Nammour answered that it was considered, but if the two buildings were connected, both of the buildings would have to be sprinkled which is cost prohibited.

Ms. Loder asked how the 2-3% reduction in runoff was achieved. Mr. Giangrande stated that the 2% was achieved with the removal of an impervious area when the convent was razed. There will also be a .7% reduction caused by the infiltrators for the roof drains and additional landscaping on formerly paved areas. Mr. Doherty asked how late the gym would be open and Mr. O'Dea answered that the latest would probably be 9PM. Paula O'Dea, Principal of St. Augustine's School added that they are currently out of the Andover Field house by 8:30PM, which parents consider to be late. Mr. Doherty asked if they would rent the gym out to the public. Mr. O'Dea answered that they have talked about it, but there isn't much demand for a middle school gym, it is a liability and would require staff to be there while it is being rented out. It is a possibility, but something they would have to research more. Mr. Nammour noted that the building will not have a kitchen space or other accessory spaces that would make it desirable to other groups. Ms. Loder asked if the proposed removal of a fence on the property line and the

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removal of some trees will open up the area to an abutter that may be undesirable. She was shown the proposed landscaping that would provide a buffer.

Dr. Lowell Rosman of 51 School Street addressed the Board as a representative of the abutters. He has lived in his home since 1979 and in recent years has seen a dramatic increase of foot and vehicular traffic on St. Augustine's Drive. He and the other abutters are pleased that with this gym the children no longer have to cross busy streets. They are also pleased the gym will not be on the grassy field and will be more closely sited to the school. They are concerned with an additional increase in traffic on St. Augustine's Drive from the basketball games, and are very concerned that the facility will be rented out to outside groups. He described the private way as being three feet narrower in pavement after the recent installation of an 8 inch water main and full of potholes because the drive was not repaved. The abutters would prefer that they not pave over the grassy field for parking because the drainage is not adequate and there is often standing water. He would also prefer that those using the gym for games on nights and weekends be asked to use the municipal lot. Dr. Rosman entered photos of the site that he had taken into the public record. Mr. O'Dea clarified for the Board that the water line was installed late in the year and the roadway has not been repaved as they did not want to pave and then have to dig up the road again for utilities for this project. St. Augustine's will repave the road and has never asked the neighbors with rights in the road to contribute to any repairs that have been done to that road.

Susan Big, 49 School Street, addressed the Board regarding the drainage in the area. She showed pictures that she took which were entered into the public record of water flow from the municipal lot down St. Augustine's Drive. She pointed out catch basins that were covered in snow. Mr. Chiozzi asked her if she was saying that water from the municipal lot was making its way all the way down St. Augustine's Drive. She stated that some water comes from the municipal lot and during heavy rain events the commercial building on Chestnut Street pumps its water into the municipal lot. The water comes down into the field and drains downhill to the homes. With the catch basins not functioning properly, a lot of standing water is created. When the road was repaved a few years ago, within a year a sink hole formed in the private way. The work that was done in the private way caused sewage to back up into her home because unbeknownst to anyone, her sewer line is in the road. She is requesting that when any work is done that Dig Safe be called. She also stated that she is happy that the field will not be paved because of the issues with contamination.

Fred Callanen of 9 Chestnut Street asked how tall the building will be at its highest point and Mr. Nammour answered 27 ft 5 inches. He then asked if the footprint of the building could be marked for the neighbors. Ms. Byerley answered that the footprint could be marked, and Mr. Nammour stated that they could stake the area. At the request of Mr. Bergeron, Mr. Giangrande reviewed the zoning setbacks and dimensional requirements for the property. Mr. Callanen said he was concerned about screening and wanted to know if there would be plantings along the property line. Mr. Nammour put up the landscaping plan explained that there would be new landscaping along the Doherty property, which is the direct abutter to the school building, but the area along Mr. Callanen's property, which directly abuts the play area would not change. Mr. Macaux asked Mr. Giangrande to provide maps at the next meeting that clearly show the neighborhood and how the properties of each abutter to see how they will be affected by this.

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Mary Grant of 47 School Street asked where the dumpsters would be located. Ms. Duff asked Mr. Giangrande to put the location of the dumpsters on to the plan. Mr. O'Dea let the Board know that the current location of the dumpsters will not change. He knows area residents are not happy with the early trash pickup, but no ordinances are being broken, and for the safety of the children, the school has to be one of the first trash pickups in the morning. Ms. Grant noted that she felt a reasonable condition would be that they would not be able to rent the facility out to the public.

Bill Foster, a parent and a member of the St. Augustine's School Board added to the discussion that this gymnasium would be able to provide for more after school programs and would lighten the pickup load at dismissal time.

Mr. Bergeron requested that the applicant provide not only the types of plantings that will be used, but also the amount of time it takes for them to grow in. Mr. Nammour let him know that these items are listed on the landscaping plan.

Ms. Duff noted that the concerns brought up this evening were traffic, maintenance of the private way, dumpsters, landscaping and drainage.

On a motion by Mr. Macaux, seconded by Mr. Doherty, the Board voted to waive the square footage filing fee for the Site Plan Review Dover Use for St. Augustine's School.

Vote: Unanimous (5-0).

On a motion by Mr. Macaux, seconded by Mr. Doherty, the Board voted to continue the public meeting for the Site Plan Review Dover Use for St. Augustine's School to Wednesday, March 27, 2013 at 8:00PM at the Public Safety Center. **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 9:51 p.m.